



United States Department of the Interior

FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
LINCOLN PLAZA
145 EAST 1300 SOUTH, SUITE 404
SALT LAKE CITY, UTAH 84115

cc: Daron
Paul
Joe

In Reply Refer To

(CO/KS/NE/UT)

November 14, 2000

Daron R. Haddock
Permit Supervisor
State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
Box 145801
Salt Lake City, UT 84114-5801

RE: Section 7 Consultation on the Beaver Creek Tract, Lodestar Energy Inc., Horizon Mine in Carbon County

Dear Mr. Haddock:

We have received your request for a list of endangered and threatened species that may occur in the area of influence of your proposed action. Below is a list of threatened, endangered, and candidate species that may occur within the area of influence of your proposed action.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status*</u>
Bald Eagle ¹	<i>Haliaeetus leucocephalus</i>	T
Black-footed Ferret ³	<i>Mustela nigripes</i>	E
Bonytail ²	<i>Gila elegans</i>	E
Colorado Pikeminnow ²	<i>Ptychocheilus lucius</i>	E
Humpback Chub ²	<i>Gila cypha</i>	E
Razorback Sucker ²	<i>Xyrauchen texanus</i>	E

T = threatened

E = endangered

¹ Wintering populations (only four known nesting pairs in Utah).

² Critical habitat designated in this county.

³ Historical range.

Only a Federal agency can enter into formal Endangered Species Act section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

The proposed action should be reviewed and a determination made if the action would affect any listed species or their critical habitat. A determination should also be made as whether or not the action is likely to jeopardize the continued existence of proposed species or result in the destruction or an adverse modification of any critical habitat proposed for such species. If the

determination is "may affect" for listed species, you must request in writing formal consultation from the Field Supervisor, at the address given above. In addition, if you determine that the proposed action is likely to jeopardize the continued existence of proposed species or result in the destruction or adverse modification of proposed critical habitat, you must confer with this office. At that time, you should provide this office a copy of the biological assessment and any other relevant information that assisted you in reaching your conclusion.

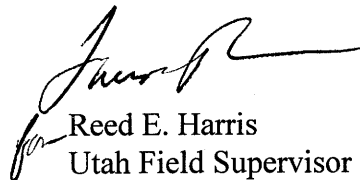
Your attention is also directed to Section 7(d) of the Endangered Species Act, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

Bird collisions with communication towers and their supporting guy wires are a growing concern nationwide. Communication towers are conservatively estimated to kill 4-5 million birds per year. The Migratory Bird Treaty Act (16 USC 703-712) makes it unlawful to take, till, or possess migratory birds, their parts, nests, or eggs. Evaluations for the siting and construction of communications towers should take into account potential impacts to migratory birds. Measures to avoid and minimize impacts should be considered during design, and include measures such as avoiding known bird migration corridors, eliminating guy wires, combining communication devices on existing towers, restricting height of towers to less than 200 feet, and installing minimum lighting with use of white rather than red lights.

For questions regarding officially designated wildlife preserves please contact the Utah Division of Wildlife Resources at (801) 538-4700.

If we can be of further assistance or if you have any questions, please feel free to contact Laura Romin of our office at (801) 524-5001 extension 142.

Sincerely,



Reed E. Harris
Utah Field Supervisor

cc: Rose Crellin, Federal Communications Commission, Wireless Telecommunication
Bureau, Commercial Wireless Division, 445 12th Street, SW, Room 4A106,
Washington, DC 20554